

REMARKS

Claims 140-196 remain in this application. Claims 36-71 and 137-139 have been cancelled without prejudice. Claims 140-196 have been added. The added claims are supported by the specification and no new matter has been added. The Applicant respectfully requests reconsideration of this application in view of the above amendments and the following remarks.

Title

The Examiner has suggested an amendment to clarify the title (thank you).

Specification

The parent case paragraph has been amended to make it clear that the present application claims priority to both U.S. Patent Application Ser. Nos. 09/251,391 and 09/024,885. If appropriate, the Applicant will add Glad as an inventor to the 09/251,391 application to perfect the claim of priority to that application.

Objection to Drawings

The drawings are objected to under 37 C.F.R. §1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, claims 48, 55 and 139 features must be shown or the features canceled from the claims. No new matter should be entered. These claims have been cancelled. The new claims are believed to comply fully with the requirements of 37 C.F.R. §1.83(a).

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Double Patenting

The Examiner has rejected claims 36-71 and 137-139 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of

U.S. Patent No. 5,773,332 issued to Glad (hereinafter referred to as "Glad"). The Examiner has also provisionally rejected claims 36-71 and 137-139 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims pending in U.S. Patent Application Ser. No. 09/251,391.

Without admitting the appropriateness of the non-statutory double patenting rejections, the Applicant submits herewith a Terminal Disclaimer signed by a registered agent of record in compliance with 37 C.F.R 1.321 in reference to U.S. Patent No. 5,773,332, and U.S. Patent Application Ser. No. 09/251,391, to overcome the Examiner's rejections of claims 36-71 and 137-139. Additionally, for the record, the Applicant submits that the present claims and the claims of U.S. Patent No. 5,773,332 and U.S. Patent Application Ser. No. 09/251,391 were commonly owned or subject to an obligation of assignment to the same entity at the time the inventions were made. Accordingly, the Applicant respectfully asserts the Examiner's rejection has been overcome, and requests that the Examiner allow claims 36-71 and 137-139.

Allowable Subject Matter

The Applicant would like to thank the Examiner for his careful examination and for finding allowable subject matter. The Examiner has indicated that claims 39, 40, 44-48 and 51-57 would be allowable upon submission of a terminal disclaimer to overcome the double patenting rejections.

New independent claims 140, 155, 172, and 184 each recite either an "opening" or a "cutout" and are believed to be allowable for at least the reasons that claims 39, 40, 44-48 and 51-57 were allowed by the Examiner. Dependent claims 141-154, 156-171, 173-183, and 185-196 depend from these independent claims, and are believed to be allowable therefor, as well as for the recitations independently set forth therein.

35 U.S.C. §103(a) Rejection

Stein in view of Okada 479, Aldous 404, Hardesty, Roebuck, and Lazarchik

The Examiner has rejected claims 36–38, 41–43, 58, 60–62, 64–65, 70–71, and 137–139 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,628,055 issued to Stein (hereinafter referred to as “Stein”) in view of U.S. Patent No. 5,385,479 issued to Okada (hereinafter “Okada 479”), U.S. Patent No. 5,183,404 issued to Aldous et al. (“Aldous 404”), U.S. Patent No. 4,241,974 issued to Hardesty (“Hardesty”), U.S. Patent No. 5,391,083 issued to Roebuck et al. (“Roebuck”) and U.S. Patent No. 4,781,626 issued to Lazarchik (“Lazarchik”).

These rejected claims have been cancelled by this amendment. All of the pending claims are believed to be allowable for the reasons discussed above.

35 U.S.C. §103(a) Rejection

Stein in view of Okada 479, Aldous 404, Hardesty, Roebuck, and Lazarchik

further in view of Tan and Japan 97652

The Examiner has rejected claims 49, 50, 59, 63 and 66–69 under 35 U.S.C. §103(a) as being unpatentable over the references as applied to claims 36–38, 41–43, 58, 60–62, 64–65, 70–71, and 137–139 above, and further in view of U.S. Patent No. 5,562,463 issued to Tan (hereinafter referred to as “Tan”) and Japanese Patent No. 97652 (“Japan 97652”).

These rejected claims have been cancelled by this amendment. All of the pending claims are believed to be allowable for the reasons discussed above.

35 U.S.C. §103(a) Rejection – Okada 442

The Examiner has rejected claims 36, 41-43, 58, 60-62, 64-65, 70-71 and 137-139 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,538,442 issued to Okada (hereinafter referred to as "Okada 442").

These rejected claims have been cancelled by this amendment. All of the pending claims are believed to be allowable for the reasons discussed above.

35 U.S.C. §103(a) Rejection – Okada 442

The Examiner has rejected claims 49, 50, 59, 63 and 66-69 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,538,442 issued to Okada (hereinafter referred to as "Okada 442") in view of U.S. Patent No. 5,562,463 issued to Tan ("Tan").

These rejected claims have been cancelled by this amendment. All of the pending claims are believed to be allowable for the reasons discussed above.

Initialization Of IDS References

As a final matter, the Examiner did not indicate that the Art references filed on June 18, 2003 were considered and made of record by initialing the corresponding boxes on the PTO-1449 forms. In the Office Action, there was no indication that these references were not in conformance with MPEP 609. Consequently, the Applicant respectfully request that the Examiner indicate these references have been considered and made of record by initialing pages 1- 8 of the PTO-1449 forms submitted June 18, 2003 and return a copy thereof to the Applicant with the next Office Action.

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Conclusion

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance. Applicant respectfully requests that the rejections be withdrawn and the claims be allowed at the earliest possible date.

Request For Telephone Interview

The Examiner is invited to call Brent E. Vecchia at (303) 740-1980 if there remains any issue with allowance of the case.

Request For An Extension Of Time

The Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17 for such an extension.

Charge Our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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